THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21901 of 2000

ORAL ORDER:

This writ petition is filed seeking Mandamus declaring the auction notice dated 3.10.2000 issued by the first respondent as illegal and arbitrary.

It appears, petitioner's father obtained a loan from the second respondent society. When the loan was not paid, a Certificate under Section 71 of the A.P. Cooperative Societies Act, 1964 was obtained and the same was sought to be executed in E.P.No.4604 of 1992-93 for an amount of Rs.9270/-. In pursuance of the same, the impugned notice dated 3.10.2000 was issued proposing to auction the agricultural land of the petitioner to an extent of Ac.5-00 in Survey No.154 of Rajapuram village, Chandragonda mandal, Khammam district. Aggrieved by the same, the present writ petition is filed.

There is no necessity of going into all the details. It is the contention of the petitioner that his father Seetharam Reddy died on 24.1.1998 and the E.P. notice was issued on 3.10.2000, therefore, execution proceedings were taken up against a dead person.

No counter is filed by the respondents denying the allegations made by the petitioner.

In view of the same, I am of the opinion that against a dead person, no execution proceedings are maintainable and no notice could have been issued by the first respondent.

In the result, the writ petition is allowed and the impugned notice dated 3.10.2000 is set aside. However, this will not preclude the respondents from proceeding with the matter as per law for the purpose of recovering arrears due against the account of late

Seetharam Reddy. No order as to costs.

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C.V.RAMULU,
J

Date: 7.12.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21901 of 2000

7.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21901 of 2000

Date: 7th December, 2006

Between:

Bandi Madhava Reddy

.. Petitioner

And

The Deputy Registrar/Officer on Special Duty,
District Cooperative Central Bank Ltd.,
Khammam and another.

.. Respondents